



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 6069-99  
4 February 2000

MAJ [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Major [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

Because you failed by the Fiscal Year (FY) 2001 Lieutenant Colonel Selection Board, and you have not been selected for or promoted to lieutenant colonel, your request to backdate your lieutenant colonel date of rank if selected by the FY 2001 promotion board was not considered.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 19 October 1999, a copy of which is attached. They also considered your rebuttal letter dated 15 November 1999.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

6069-99

IN REPLY REFER TO:

1600  
MMAA-4  
19 Oct 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] USMC

Ref: (a) MMR Request for Advisory Opinion in the case of  
Major [REDACTED] USMC  
of 15 Oct 99

1. Recommend disapproval of Major [REDACTED]'s request for removal  
of his failure of selection.

2. Per the reference, we reviewed Major [REDACTED] record and  
petition. Major [REDACTED] failed selection on the FY00 USMC  
Lieutenant Colonel Selection Board. He bases his petition on  
material error and contends the following:

a. The Annual (AN) report of 880702-881031 was missing from  
his Official Military Personnel File (OMPF).

b. Four fitness reports were illegible: Transfer (TR) report  
of 900518-900928, AN report of 930709-931031, AN report of  
931101-941031 and Change of Reporting Senior (CH) report of  
941101-950216.

c. Ten certificates/letters were missing from his OMPF.

3. After reviewing Board OMPF and records we have determined the  
following:

a. The AN report of 880702-881031 was requested and received  
by the Board.

b. In our opinion, three of the four reports, AN  
930709-931031, AN 931101-941031 and CH 941101-950216, were  
difficult but not impossible to read. Additionally, all three  
reports were coded onto the MBS and could have been reviewed in  
hard copy if requested by any Board member. The fourth report, TR  
900518-900928 was ordered and received by the Board.

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] USMC

c. Five of the ten missing certificates, Land SERE, AWS, Jet Transition, Air Command and Staff (AC&S) and Navy and Marine Corps Commendation Medal, were listed on the top of the Master Brief Sheet. Further, Major [REDACTED] has fitness reports documenting his performance while in attendance at AWS and AC&S. In our opinion, the other five certificates/letters were of such an inconsequential nature that they had no bearing on Major [REDACTED]'s failure of selection. Finally, Major [REDACTED] could have provided all ten certificates directly to the Board.

4. In summary, Major [REDACTED]'s petition is without merit. His record, as it appeared before the Board, was complete and accurate. Therefore, we recommend disapproval of Major [REDACTED]'s request for removal of his failure of selection.

5. Point of contact is Lieutenant Colonel [REDACTED]  
[REDACTED]

[REDACTED]

Lieutenant Colonel, U.S. Marine Corps  
Head, Officer Counseling and  
Evaluation Section  
Officer Assignments Branch  
Personnel Management Division